

Summary: The Agency is today clarifying the scope of EPA Hazardous Waste No. F006 contained in the list of hazardous wastes from non-specific sources of Subpart D of Part 261. The Agency has re-evaluated its previous interpretation of F006 and has determined that it is overly broad. As a result, the Agency is today announcing its current interpretation of the scope of EPA Hazardous Waste No. F006.

Date: This interpretation is effective December 2, 1988.

For Further Information Contact:

RCRA Hotline, toll free at (800)424-6346 or at (202) 382-3000. For technical information, contact Mr. Matthew Straus, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-8551.

Supplementary Information: On May 19, 1980, the Agency published an interim final regulation listing "Wastewater treatment sludges from electroplating operations" as EPA Hazardous Waste No. F006 in Subpart D of Part 201 (see 45 Federal Register 33112-33133). The hazardous constituents for which this waste was listed were cadmium, chromium, nickel, and complexed cyanide. In response to comments on this regulation, the listing was modified on November 12, 1980 (see 45 FR 74884-74892), to read as follows: "Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping

associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum."¹ In addition, the Agency agreed with commenters that wastewater treatment sludges from the chemical conversion coating of aluminum would not be expected to contain hazardous levels of cadmium and nickel and thus, listed this waste separately as EPA Hazardous Waste No. F019. The hazardous constituents for which EPA Hazardous Waste No. F019 was listed are hexavalent chromium and complexed cyanide.

As explained in the Listing Background Document for F006, the Agency identified the listing for "electroplating operations" to cover the same processes as was included under the Efficient Guidelines Division's pretreatment standards for the electroplating point source category. That is, the Agency considered the F006 listing to include the following processes: common and precious metals electroplating, anodizing, chemical conversion coating, electrolysis plating chemical etching and milling, and printed circuit board manufacturing.

The Agency, through its Chief Judicial Officer, recently determined, however, that from May 19, 1980 to November 12, 1980, the reference to etching in the listing background document accompanying the original F006 listing was insufficient to indicate that the scope of F006 included etching. The Chief Judicial Officer concluded that the lack of reference to etching in the rule violated the publication requirement of the Administrative Procedure Act 5 U.S.C. 552. See *In the Matter of U.S. Nameplate Company*, RCRA(3008) Appeal/No. 85-3, Final Decision at 13 (March 31, 1986). The opinion also noted, however, that the modified listing interpreted to include several processes by reverse implication from the six specific processes explicitly excluded. That is, since sulfuric acid anodizing of aluminum and chemical etching and milling of aluminum

¹ The Agency also indicated that hexavalent chromium rather than total chromium would be listed as a constituent of concern in Appendix VII of Part 261

were excluded from the listing, all other anodizing and chemical etching and milling are within the scope of the listing.

The Agency has reconsidered its interpretation of EPA Hazardous Waste No. F006. Since the rule explicitly refers only to electroplating, anodizing chemical etching and milling, and cleaning and stripping when associated with these processes. Although the listing background document noted other processes, these were not part of the promulgated listing. Accordingly, the following processes are not included under the F006 listing: chemical conversion coating,² electroless plating, and printed circuit board manufacturing.³ The F006 listing is (and always has been) therefore, inclusive of wastewater treatment sludges from only the following processes: (1) Common and precious metals electroplating, except tin, zinc (segregated basis).⁴ aluminum, and zinc-aluminum plating on carbon steel; (2) anodizing of aluminum; (3) chemical etching and milling, except when performed on aluminum; and (4) cleaning and stripping, except when associated with tin, zinc, and aluminum plating on carbon steel.

As a result of this decision, a number of delisting petitions that have been filed pursuant to 40 CFR 260.20 and 260.22 are unnecessary, since the wastes described in the petitions are not the listed F006 wastes. The Agency intends, therefore, to take no further action on these petitions. These petitions are listed in Table 1.

² Wastewater treatment sludges from the chemical conversion coating of aluminum are listed as EPA Hazardous Waste No. F019.

³ Wastewater treatment sludges from printed circuit board manufacturing operations that include processes which are within the scope of this listing (e.g. chemical etching) are regulated as EPA Hazardous Waste No. F006.

⁴ "Zinc plating (segregated basis)" refers to non-cyanidic zinc plating processes. For example, wastewater treatment sludges from zinc plating using baths formulated from zinc oxide and/or sodium cyanide would not be excluded. Where both cyanidic and non-cyanidic baths are used, the exclusion applies to sludges from the non-cyanidic processes as long as the are segregated from sludges that result from cyanidic plating processes.

Table 1 – Moot Petitions

Petitioner	Location	Petition No.
ACR Electronics	Hollywood, FL	0297
Arnold Circuits, Inc	La Habra, CA	0508
Atlantic Wire Co.	Branford, CT	0189
Chevrolet Flint Mfg Companies	Flint, MI	0388
Chrysler Corporation	Fenton, MO	0500
Chrysler Corporation	Belvidore, IL	0501
Chrysler Corporation	Fenton, MO	0502
Colt Industries	Paris, IN	0233
Crosman Airguns	Fairport, NY	0093
Ford Motor Co.	Sterling Heights, MI	0509
Ford Motor Co.	Norfolk, VA	0511
Ford Motor Co.	Sandusky, OH	0512
Ford Motor Co.	Louisville, KY	0513
Ford Motor Co.	Lorain, OH	0514
Ford Motor Co.	Indianapolis, IN	0515
Ford Motor Co.	Brookpark, OH	0516
Ford Motor Co.	Avon Lake, OH	0517
Ford Motor Co.	Claycomo, MO	0518
Ford Motor Co.	Chicago, IL	0519
Ford Motor Co.	Romeo, MI	0521
Ford Motor Co.	Wixom, MI	0527
General Electric Co.	Conneaut, OH	0012
General Electric Co.	Jonesboro, AR	0437
General Motors Corp.	Atlanta, GA	0372
General Motors Corp.	Fredricksburg, VA	0473
General Motors Corp.	Janesville, WI	0526
General Motors Corp.	Lake Orion, MI	0581
GMC/Fisher Body Div.	Cleveland, OH	0336
GMC/Fisher Body Div.	Lansing, MI	0378
GMC/Fisher Body Div.	Flint, MI	0410
GMC/Saginaw Steering Gear	Athens, AL	0428
GMC/Saginaw Steering Gear	Saginaw, MI	0432
Greenville Products Co.	Greenville, MI	0605
Hyatt Clark Industries	Clark, NJ	0531
Iowa Industries	Burlington, IA	0343
Kent Corporation	Birmingham, AR	0623
Mansfield Products Co.	Mansfield, OH	0114
Manville Sales Corp	Utica, OH	0642
Moog Automotive	Maryville, MO	0464
Northern Metal Specialty Div.	Oscogla, WI	0304
P.T. Components, Inc.	Indianapolis, IN	02328
Polymer Coil Coater, Inc	Fairfield, AL	0611
Rheam Manufacturing Co.	Asheville, NC	0653
Teledyne Monarch Rubber Co.	Hartville, OH	0597
Teletype Corporation	Little Rock, AR	0525
Uneversal Oil Products	Decatur, AL	0395
Waterloo Industries	Pocahontas, AR	0544
Whirlpool Corporation	Marion, OH	0054
Whirlpool Corporation	Ft. Smith, AR	0095
Whirlpool Corporation	Danville, KY	0103
Whirlpool Corporation	Findlay, OH	0128
Whirlpool Corporation	Clyde, OH	0275
White Mop Wringer Co.	Fultonville, NY	0176
White Rogers	Batesville, AR	0364

The Agency plans to re-evaluate the F006 listing in the future. The Agency may then

incorporate into the scope of F006 listing those processes which we today state are not part of F006 (i.e., chemical conversion coating, etc.) Any facility that would then want to pursue a delisting would need to submit a new petition.